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Title: Need to set up a permanent bench of Kerala High Court at Thiruvanthapuram.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): As early as in 1957 when Shri E.M.S. Namboothiripad was the Chief Minister, the Kerala Assembly...(*Interruptions*)

MR. SPEAKER: You have been so cooperative. You know that I am your admirer.

...(*Interruptions*)

SHRI VARKALA RADHAKRISHNAN : The Kerala Legislative Assembly early in 1957, when late Shri E.M.S. Namboothiripad was the Chief Minister, unanimously adopted a Resolution towards the establishment of a Bench of the Kerala High Court at Trivandrum, the State Capital. ...(*Interruptions*)

MR. SPEAKER: This is not fair. What is this? Can you rise at any time and say something? नोटिस नहीं, कुछ नहीं, क्या बात है?

SHRI VARKALA RADHAKRISHNAN : Subsequently, when the present Defence Minister Shri A.K. Antony was the Chief Minister, the Kerala Legislative Assembly again unanimously adopted a Resolution towards the establishment of a Bench of the Kerala High Court at Trivandrum. The present Government in their turn have provided sufficient funds for the establishment of a Bench in the current year's Budget. There is also a Private Members' Bill towards the establishment of this Bench before the House but still the Government is not taking action. Even the Chief Justice of India...(*Interruptions*)

MR. SPEAKER: Judiciary has to take action first. Learned Judges have to decide.

SHRI VARKALA RADHAKRISHNAN : The Chief Justice of India has claimed that it is for the Central Government to make a precedent to issue Notification under the provisions of the States Reorganisation Act.

MR. SPEAKER: Government must agree. Judges must agree.

SHRI VARKALA RADHAKRISHNAN : There is one option before the Government. Either the Government must accept the Private Members' Resolution or they must make a declaration before the House that they will issue Notification. For three months the hunger strike by lawyers is going on in Trivandrum and the Government is quite inactive. The State Government has already recommended it. ...(*Interruptions*) I would also be forced to resort to action. Before this House I will have to take action and request the Government to act in this matter. ...(*Interruptions*)

MR. SPEAKER: All hon. Members from Kerala are associating with it.

SHRI VARKALA RADHAKRISHNAN : I would request the Government of India and the President of India to issue a Notification towards the establishment of the Bench. ...(*Interruptions*)

MR. SPEAKER: All hon. Members, even those who are farthest from Trivandrum are also associating.

...(*Interruptions*)

SOME HON. MEMBERS: No, Sir.

MR. SPEAKER: Even your Kerala Members are opposing it.

...(*Interruptions*)

MR. SPEAKER: It is over now. You have made your point very forcefully.

...(*Interruptions*)

MR. SPEAKER: There will be no luncheon recess today. We are going to begin the discussion on the next item of the Agenda.

...(*Interruptions*)

MR. SPEAKER: What is this?

...(*Interruptions*)

SHRI VARKALA RADHAKRISHNAN : There is no such provision anywhere. ...(*Interruptions*) Judiciary has taken a stand, whenever the word 'consult' is used, they have interpreted it as 'consent'. ...(*Interruptions*) Whenever the word 'consult' is used, it reveals 'consent'. So, you must be doubly cautious. Whenever you pass any statute, do not use the word 'consult' hereafter because that will be taken as consent and we would not be able to implement the Act itself. Such is the situation in the country. In the Chamber's Dictionary or any other dictionary used in any part of the world where English is spoken you find words 'consult' and 'consent'.[R16]

MR. SPEAKER: Let the Government start thinking. Unless you finish, how can they start thinking?

...(*Interruptions*)

MR. SPEAKER: The Minister of Law and Justice is not present here.

13.20 hrs.